

Long-term re-offending rates of adults and young people in NSW

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AIM

To examine rates of re-offending over 10 years for adults and young people convicted of an offence in NSW in 2010.

METHOD

Descriptive analysis of data for a cohort of offenders convicted in NSW Criminal Courts in 2010 from the NSW Re-offending Database (ROD).

RESULTS

Most offenders (55%) found guilty in the NSW criminal courts in the year 2010 were re-convicted of a further offence within 10 years of their reference offence. Re-offending was more common among young people. Among those with a conviction in 2010, 81% of young people and 54% of adults had a subsequent re-conviction within 10 years. Most re-offending occurs relatively quickly with 58% of young people and 31% of adults re-offending within just two years. Irrespective of age, re-offending for any offence was highest for those persons whose reference offence was break and enter. Re-offending for the same offence was highest for young people convicted of assault, theft, and property damage, and adults convicted of theft, breach of violence order, break and enter, and illicit drug offences. The proportion of offenders reoffending for any offence type was highest for young people (81%), males (57%), and Aboriginal offenders (86%).

CONCLUSION

Re-offending is common among people convicted in court. Males, young people, and Aboriginal offenders are more likely than others to be re-convicted. Re-offenders are often generalists, with re-conviction occurring for a variety of offences.

KEYWORDS

Re-offending

Conviction

NSW

Young People

Adults

Aboriginality

INTRODUCTION

Re-offending is an issue of significant importance to government policy, communities, offenders, and victims. This Bureau Brief aims to provide a snapshot of re-offending over 10 years, from 2010 to 2020, where the initial conviction occurred in 2010. It updates previous reports by the NSW Bureau of Crime Statistics and Research on re-offending in NSW (Agnew-Pauley & Holmes, 2015; Holmes, 2012), by addressing the following questions:

- a) What percentage of offenders re-offend over the long term in NSW?
- b) What percentage of offenders re-offend for any offence or the same offence?
- c) What are the characteristics of those who re-offend?

We used data from the NSW Re-offending Database (ROD) of adults and young people¹ convicted in 2010 to answer the above questions. ROD contains information on each person who has been convicted of a criminal offence since 1994. It allows us to determine what proportion of offenders have been convicted of a further offence. In this report, 'conviction' refers to proven court appearances irrespective of whether a conviction was recorded in law (that is, whether the appearance resulted in a non-conviction order) or resulted in a diversion (such as a Young Offenders Act, caution or youth justice conferencing referral). Additionally, re-conviction was used as a proxy for re-offending and so these terms are used interchangeably. We examine their re-offending within a 10-year horizon. Aside from re-offending rates, we examine information regarding the types of re-offences committed and offender characteristics (age, gender, and Aboriginality). In relation to offence types, for purposes of functionality and relevance we limited our analysis to offences with a high volume of offenders and those identified as of public interest.

FINDINGS

a) What percentage of offenders re-offend over the longer term in NSW?

First, we consider the percentage of offenders with an initial conviction in 2010, who re-offend over the long term in NSW. In 2010, 98,520 distinct individuals (93,550 adults and 4,970 young people) were convicted of at least one offence in NSW. Figure 1 shows adults and young people who had a conviction in 2010 and the cumulative percentage who were re-convicted for any offence in subsequent years to 2020. Over half (55%) of all convicted offenders in 2010 were re-convicted within 10 years. Young people had a higher rate of re-offending than adult offenders; 81% of young people were re-convicted within 10 years, compared with 54% of adult offenders.

Re-offending typically occurs within two years of the reference conviction. Among young people with a conviction in 2010, more than half (58%) had a subsequent re-conviction within two years. The proportion for adults was much lower, with nearly one third (31%) having a subsequent re-conviction within two years. For both populations, after approximately five years, the cumulative percentages of re-convictions began to flatten emphasising that most re-offending occurs within the short-term.

¹ The age of the offender at the time of their 2010 conviction determined whether they were categorised as an adult or young person. Adults were 18 years and over; young people were aged 10 to 17 years. Although young people in 2010 were adults 10 years later, they remained in the young person category across time.

Figure 1. Cumulative percentage of persons convicted in 2010, who were re-convicted over the 10 years to 2020

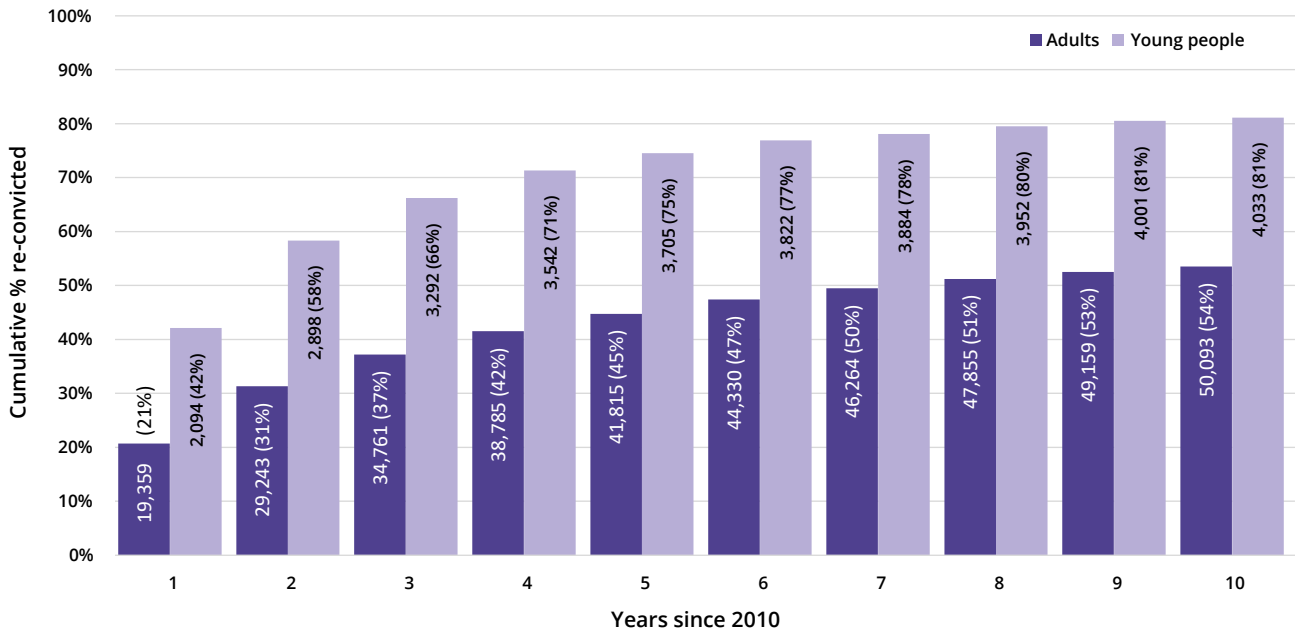
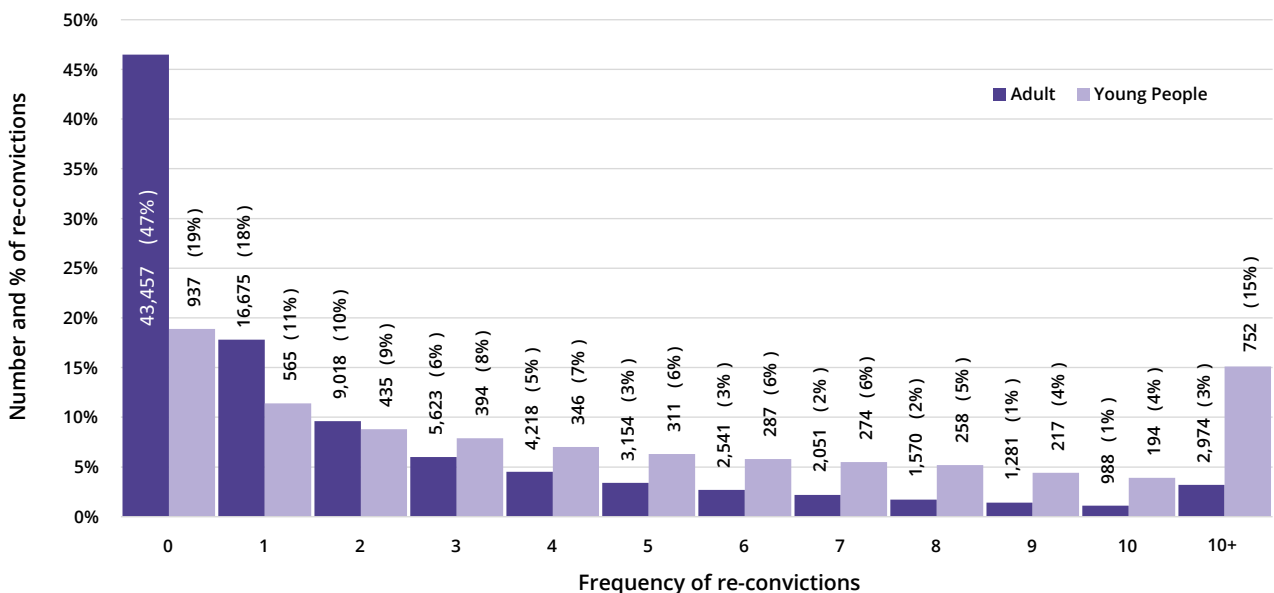


Figure 2 shows the frequency of re-convictions for adults and young people within our cohort within 10 years of the reference offence. As with re-offending rates, the frequency of re-convictions differs for adults and young people. For adults, just under half (47%) had no re-convictions. Of the remainder, 18% of adults had one re-conviction, and successively decreasing proportions of adults committed more re-offences. Meanwhile, for young people, the distribution of the number of re-offences was more equal. 19% did not re-offend, and between 11% and 4% committed 1 to 10 re-offences within 10 years. Notably, the number of young people with 10 or more re-convictions substantially increases to 15%, suggesting that a small proportion of young offenders go on to have extensive criminal careers.

Figure 2. Frequency of persons with a finalised court appearance in 2010 for any offence, who had a subsequent re-conviction within 10 years



Taken together, Figures 1 and 2 show that while offending decreases with time, young people are far more likely than adults to continue offending in the long term. Young people are also more likely to have a higher frequency of subsequent re-offences than adults. It is possible that this may be a time effect; for young offenders the 10-year re-conviction period includes ages where offending typically peaks in a person's lifetime (see section c for a breakdown of re-offending by age group).

b) What percentage of offenders re-offend for: (i) any offence, or; (ii) the same offence?

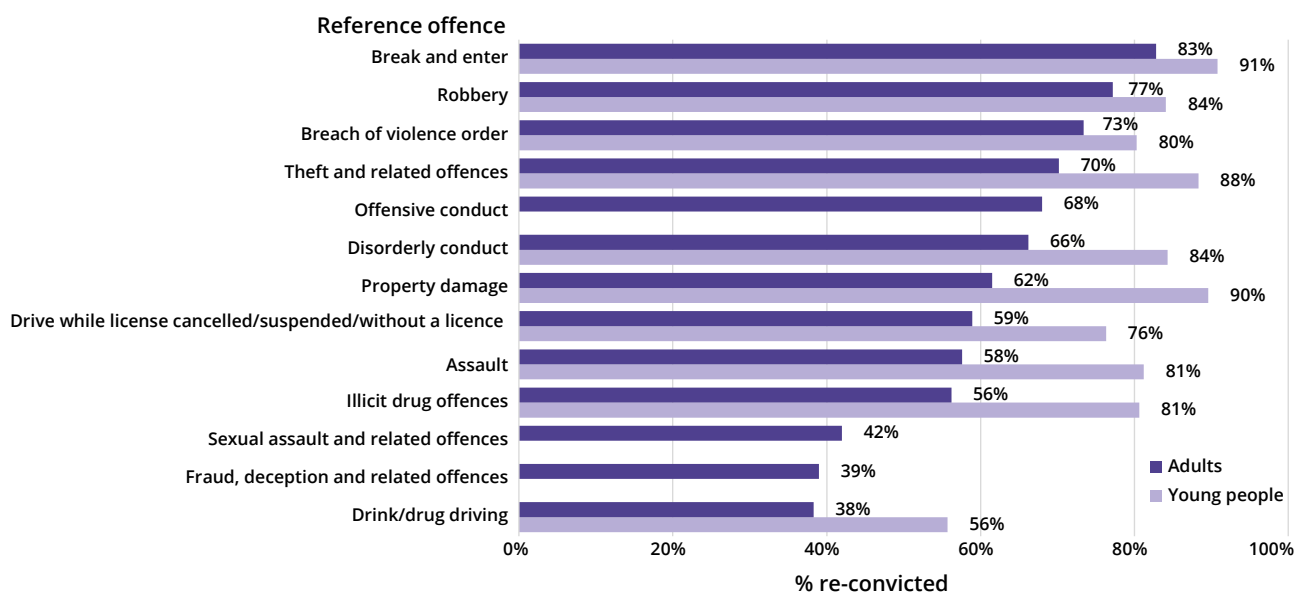
Next, we analyse the types of re-offences our cohort committed over the 10-year study period. We examine this in two ways. First, we consider re-offending with any offence type as the re-offence, and second, re-offending based on both the reference and re-conviction offences being the same type.

i) Re-offending for any offence

Figure 3 presents the proportion of offenders who re-offend within 10 years by the offence of their reference conviction in 2010. We have limited our focus to a selection of offences classified as high-volume or significant. This selection of offences covers 74,983 or 80% of the total 93,550 distinct adult offenders and 4,173 or 84% of the total 4,970 distinct young offenders, with the remainder of offenders falling within other offence categories.

Across all offences, the proportion of young people who were re-convicted was much higher than that of adults. Those convicted of a break and enter offence in 2010 had the highest re-offending rates (91% of young people and 83% of adults re-offended). The next offences with the highest rates of re-offending were different for young people and adults. For young people the re-conviction rate was above 80% where the reference convictions was one of the following offences: property damage (90%), theft and related offences (88%), robbery and disorderly conduct (84%), assault (81%), illicit drug offences (81%), and breach of violence order (80%). Comparatively, for adults, the re-conviction rate was above 70% for reference convictions in these three offences: robbery (77%), breach of violence order (73%), and theft and related offences (70%).

Figure 3. Percentage of persons who were convicted in 2010 of selected offences, and later re-convicted of any offence within 10 years, NSW



Note. Only selected offences are included in this figure. Young people convicted of offensive conduct, sexual assault and related offences, and fraud, deception and related offences are excluded due to small conviction numbers (less than 100).

ii) Re-offending for the same offence

Next, we consider what percentage of offenders re-offend for the same offence. This analysis allows us to understand whether offenders are generalist offenders; that is whether they re-offend across offence categories or continue to be re-convicted for the same offence. First, we broadly group offences into violent, property, and other offences,² and consider the proportion of offenders in each group who re-offended within the same specific offence category.

Table 1 considers the number of persons convicted in 2010 of a violent or property offence (that is their reference offence), and the number and proportions who re-offended for a violent, property, or other offence respectively. In this table separate figures are not provided for adults and young people. There was a total of 20,931 convictions in 2010 for a violent offence. Of these violent offenders, almost 6 in 10 were re-convicted of other offences; 60% or 12,500 individuals were re-convicted of an other offence. Meanwhile, less than half of those had a further violent conviction (39% or 8,201 individuals) and only 19% of violent offenders had a further property conviction (3,936 individuals). Turning to the 9,993 property offenders convicted in 2010 we observe that slightly more than half (5,018 or 50%) included a property re-conviction. Meanwhile, 41% of property offenders had a violent re-conviction and 73% had an other re-conviction. These findings indicate that: 1) the majority of both violent and property offenders go on to commit other (non-violent and non-property) offences; 2) property offenders are more likely to re-offend with the same type of offence than are violent offenders; and 3) more property offenders go on to commit violent offences than the reverse.

Table 1. Number of persons convicted in 2010 of a violent or property offence, by the number and proportion of re-convictions within 10 years for any violent, property or other re-offence

| Reference offence | Re-convicted | Subsequent offence | | | | | | | |
|-------------------|--------------|--------------------|-----|------------------|-----|---------------|-----|-------------|-----|
| | | Violent offence | | Property offence | | Other offence | | Any offence | |
| | | Number | % | Number | % | Number | % | Number | % |
| Violent offence | No | 12,730 | 61 | 16,995 | 81 | 8,431 | 40 | 7,630 | 36 |
| | Yes | 8,201 | 39 | 3,936 | 19 | 12,500 | 60 | 13,301 | 64 |
| | Total | 20,931 | 100 | 20,931 | 100 | 20,931 | 100 | 20,931 | 100 |
| Property Offence | No | 5,856 | 59 | 4,975 | 50 | 2,706 | 27 | 2,301 | 23 |
| | Yes | 4,137 | 41 | 5,018 | 50 | 7,287 | 73 | 7,692 | 77 |
| | Total | 9,993 | 100 | 9,993 | 100 | 9,993 | 100 | 9,993 | 100 |

Notes. Includes person with the first finalised appearance in 2010 for a proven violent or property offence as the most serious offence (the offence with the most severe penalty).

The re-conviction was any proven appearance finalised up to 10 years after the initial conviction. This is different to Table 1. in Agnew-Pauley and Holmes (2015) where the re-conviction was the offence with the most severe penalty at the first appearance finalised up to 10 years after the initial conviction. Therefore the two cannot be directly compared.

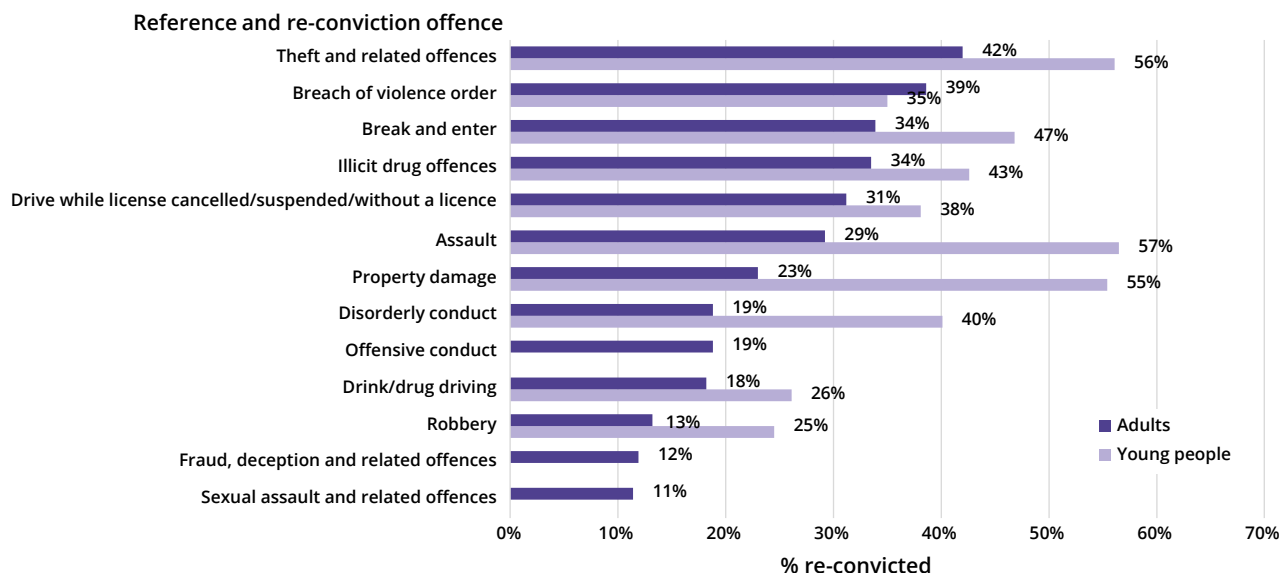
Violent offences include: murder, assault, robbery, and sexual offences. Property offences include: break and enter, and theft offences (excluding fraud). Other offences include: abduction and kidnapping, blackmail and extortion, intimidation, stalking and harassment, other offences against the person, arson, malicious damage to property, drug offences, prohibited and regulated weapons offences, disorderly conduct, betting and gaming offences, liquor offences, pornography offences, prostitution offences, offences against justice procedures, driving offences, transport regulatory offences, and other offences.

Second, we take a closer look at repeat offending by examining re-convictions for the same offence (as opposed to the same offence category). Figure 4 shows the percentage of young people and adults re-convicted at least once at any time within 10 years for the same offence they were convicted of in 2010. For this analysis we use the same selection of offences as in Figure 3. Among young people, re-offending for the same offence was highest for those convicted of assault (57%), theft (56%) and property damage (55%). Re-offending was lowest among young people convicted of robbery (25%), drink/drug driving

² Violent offences were murder, assault, robbery and sexual offences. Property offences were unlawful entry/break and enter, theft and fraud. Other offences were abduction and kidnapping, blackmail and extortion, intimidation, stalking and harassment, other offences against the person, arson, malicious damage to property, drug offences, prohibited and regulated weapons offences, disorderly conduct, betting and gaming offences, liquor offences, pornography offences, prostitution offences, against justice procedures, driving offences, transport regulatory offences, and other offences.

(26%), and breach of violence order (35%). For adults, re-offending for the same offence was highest among adults convicted of theft and related offences (42%), breach of violence order (39%), break and enter (34%), and illicit drug offences (34%). Re-offending for the same offence was lowest among adults convicted of sexual assault and related offences (11%), fraud offences (12%), and robbery (13%).

Figure 4. Percentage of persons who were convicted in 2010 of selected offences, and later re-convicted of the same offence within 10 years



Note. Only selected offences are included in this figure. Young people convicted of offensive conduct, sexual assault and related offences, and fraud, deception and related offences are excluded due to small conviction numbers (less than 100).

iii) What are the characteristics of those who re-offend?

Finally, we consider the characteristics of re-offenders. Table 2 shows the rate of re-offending for any type of re-offence by the offenders age, gender, and Aboriginality. Of those offenders convicted in 2010, re-convictions were higher among males, young people and Aboriginal people.

Males were over-represented as both offenders and re-offenders. Of the 98,520 offenders convicted in 2010, 78,220 or 79% were male, while only 20,211 or 21% were female. Among those who were re-convicted, 83% were male and 17% female. Within each gender, although the re-conviction rate was more comparable, males continued to be over-represented; 57% of males who offended in 2010 were later re-convicted, while 46% of females were re-convicted.

While young people were under-represented in the volume of offenders (4,970 or 5%) and re-offenders (4,033 or 7%), they were over-represented in their re-conviction rate; 81% of persons aged 10 to 17 years were re-convicted within 10 years. Comparatively, while those aged 18 to 25 years had the highest volume of offenders (30,108 or 31%), and re-offenders (17,734 or 33%), their within age group re-conviction rate (59%) was lower than young people, and among adults, only marginally higher than the two age groups under 45 (26-35 years 58%, and 36-45 years 55%).

Table 2 also shows that Aboriginal people convicted in 2010 were more likely to be re-convicted than non-Aboriginal people. Of the 16,363 Aboriginal people convicted in 2010, 86% were re-convicted within 10 years. Comparatively, of the 68,218 non-Aboriginal offenders convicted in 2010, 56% were re-convicted within ten years.

Table 2. Number and percentage of convictions and re-convictions for any offence, by age, gender and Aboriginality

| Offender characteristics at 2010 conviction | | All persons convicted ^a in 2010 | | Persons re-convicted within 10 years | | |
|---|----------------|--|------------------------|--------------------------------------|--------------------------------------|---|
| | | Number | % of total convictions | Number | % of total re-convicted ^b | % of subgroup re-convicted ^c |
| Total persons | | 98,520 | 100 | 54,126 | 100 | 55 |
| Gender | Female | 20,211 | 21 | 9,285 | 17 | 46 |
| | Male | 78,220 | 79 | 44,837 | 83 | 57 |
| | Unknown | 89 | 0 | 4 | 0 | 4 |
| | Total | 98,520 | 100 | 54,126 | 100 | 55 |
| Age | 10-17 | 4,970 | 5 | 4,033 | 7 | 81 |
| | 18-25 | 30,108 | 31 | 17,734 | 33 | 59 |
| | 26-35 | 26,923 | 27 | 15,668 | 29 | 58 |
| | 36-45 | 20,089 | 20 | 10,962 | 20 | 55 |
| | 46+ | 16,430 | 17 | 5,729 | 11 | 35 |
| | Total | 98,520 | 100 | 54,126 | 100 | 55 |
| Aboriginality | Non-Aboriginal | 68,218 | 69 | 38,352 | 71 | 56 |
| | Aboriginal | 16,363 | 17 | 14,027 | 26 | 86 |
| | Unknown | 13,939 | 14 | 1,747 | 3 | 13 |
| | Total | 98,520 | 100 | 54,126 | 100 | 55 |

Notes. ^a If a person was convicted more than once, the earliest conviction and the most serious penalty was selected.

^b The percent re-convicted within group is calculated down the column, with the denominator being the total re-convicted; e.g. female/total.

^c The percent re-convicted within subgroup is calculated across the rows, with the denominator being the number convicted for that subgroup; e.g. females re-convicted/females convicted.

CONCLUSIONS

This brief provides an overview of the long-term re-offending rates of adults and young people in NSW, initially convicted in 2010. Overall, it is clear most offenders who are convicted in NSW are eventually convicted of another offence, with males, young people, and Aboriginal offenders more likely than others to have a re-conviction within 10 years. Irrespective of age, re-offending for any offence was highest for those persons whose reference offence was break and enter. Among young people, re-offending for the same offence was highest for assault, theft, and property damage, and for adults, theft, breach of violence order, break and enter, and illicit drug offences. Moreover, re-offenders tend to be generalists, with re-conviction occurring for a variety of offences which were often different to the offence of their reference conviction.

There are three main limitations in this report. Firstly, we did not consider the extent of any prior offending before the 2010 conviction or the impact this would have on re-offending. Secondly, we did not consider whether offenders had spent time in custody during the ten-year period investigated (that is, by adjusting for 'free time' spent out of custody).³ A final limitation was that we only considered criminal convictions. This is problematic for offences such as sexual assault which not only have low reporting rates but also have generally low charge and conviction rates when reported. The findings outlined above should therefore be considered and interpreted with these limitations in mind.

³ For example, if a person was convicted of a crime and sentenced to imprisonment for five years of the examination period. During those five years, they would be prevented from committing certain crimes (e.g. break and enter or motor vehicle theft) and their ability to commit crime would generally be reduced. The data presented in this brief does not adjust for such factors and may explain the higher rates of re-offending among property compared to violent offenders - i.e. violent offenders may be more likely to receive a custodial penalty for their reference offence and have reduced 'free time' during which they can re-offend.

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